

Remarks/Arguments

The Office Communication mailed October 20, 2006 indicated that the amendment filed by Applicant in the response filed on July 21, 2006 does not comply with 37 CFR 1.121. Applicant respectfully disagrees. 37 CFR 1.121 states, in part:

Amendments to the specification, other than the claims, computer listings (§ 1.96) and sequence listings (§ 1.825), must be made by adding, deleting or replacing a paragraph, by replacing a section, or by a substitute specification, in the manner specified in this section.

(1) Amendment to delete, replace, or add a paragraph.

Amendments to the specification, including amendment to a section heading or the title of the "invention" which are considered for amendment purposes to be an amendment of a paragraph, must be made by submitting:

- (i) An instruction, which unambiguously identifies the location, to delete one or more paragraphs of the specification, replace a paragraph with one or more replacement paragraphs, or add one or more paragraphs;
- (ii) The full text of any replacement paragraph with markings to show all the changes relative to the previous version of the paragraph. The text of any added subject matter must be shown by underlining the added text. The text of any deleted matter must be shown by strike-through except that double brackets placed before and after the deleted characters may be used to show deletion of five or fewer consecutive characters. The text of any deleted subject matter must be shown by being placed within double brackets if strikethrough cannot be easily perceived;

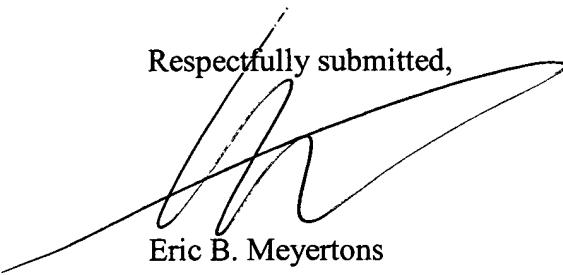
Applicant's amendments to the specification were made by unambiguous instructions to replace specified paragraphs with the given text. The replacement paragraphs included proper markings to show all changes with respect to the previous version of the paragraph. Applicant therefore contends that the previous amendments were proper under 37 CFR 1.121.

Applicant has, however, included strikethrough and substitute pages for the convenience of the Examiner.

Appl. Ser. No.: 09/699,056
Inventors: Steven Doughty
Atty. Dkt. No.: 5053-31301

If any extension of time is required, Applicant hereby requests the appropriate extension of time. If any fees are inadvertently omitted or if any additional fees are required or have been overpaid, please appropriately charge or credit those fees to Meyertons, Hood, Kivlin, Kowert & Goetzel, P.C. Deposit Account Number 50-1505/5053-31301/EBM.

Respectfully submitted,



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